

*City of Las Vegas*

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: JANUARY 24, 2008**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: VAR-25994 - APPLICANT: EL CORTEZ HOTEL AND CASINO - OWNER: EXBER, INC.**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION:**      **APPROVAL**, subject to:

**Planning and Development**

1. This approval shall be void one year from the date of final approval, unless upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This request is for a Variance to allow an existing wall height of 8.67-feet, where a maximum of eight feet was permitted. The wall in question is part of an offsite improvement to the El Cortez Hotel and Casino, which created a pedestrian walkway as well as a new vehicle entrance from North Las Vegas Boulevard. The increased wall height provides additional screening from existing utility lines found to the south of this location; staff recommends approval of this request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
09/07/06	The Planning and Development Department administratively approved a Site Plan Development Review (SDR-13875) for a Pedestrian Walkway on 0.64 acres.
11/27/07	A planning inspection was conducted, which found that the south wall was over the allowed height of 8-feet.
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no permits or licenses related to this request.	
<b><i>Pre-Application Meeting</i></b>	
12/03/2007	A Pre-Application Meeting was held to discuss the requirements for submitting a Variance for the wall height as built.

<b><i>Field Check</i></b>	
01/04/2008	A field check was conducted and found that to the south property line there is a substantial amount of Utility lines, including a major wooden utility tower.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	0.62

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Pedestrian Walkway and vehicle entrance to El Cortez Hotel and Casino	C (Commercial)	C-2 (General Commercial)

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North	High-Rise (Condos and Commercial)	C (Commercial)	C-2 (General Commercial)
South	Commercial	C (Commercial)	C-2 (General Commercial)
East	Hotel/Casino (El Cortez)	C (Commercial)	C-2 (General Commercial)
West	Commercial (Neonopolis)	C (Commercial)	C-2 (General Commercial)

<i><b>Special Districts/Zones</b></i>	<i><b>Yes</b></i>	<i><b>No</b></i>	<i><b>Compliance</b></i>
<b>Special Area Plan</b>			
Downtown Centennial Plan	X		Yes
Redevelopment Plan Area	X		Yes
<i><b>Special Districts/Zones</b></i>	<i><b>Yes</b></i>	<i><b>No</b></i>	<i><b>Compliance</b></i>
<b>Special Purpose and Overlay Districts</b>			
A-O (Airport Overlay – 200 Feet) District	X		Yes
Live/Work Overlay District	X		Yes
Downtown Entertainment Overlay District	X		Yes
Las Vegas Boulevard Scenic Byway Overlay District	X		Yes
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## ANALYSIS

This Variance is for an increased wall height of 8.67-feet along the south property line, where eight feet was permitted. This wall is part of a landscaped pedestrian walkway and vehicle entrance to the El Cortez Hotel from North Las Vegas Boulevard. Upon inspection, it was found that the south wall height was one course above the allowed height of eight feet. This wall provides additional screening from a substantial amount of utility lines on the south of this project; staff recommends approval of this request.

## FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

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Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

This property has a substantial amount of utility lines to the south of these properties, a hardship that was not self-imposed by the applicant. The additional height of this existing wall will aid in the screening these utility lines, along with the substantial amount of landscaping provided by this project. As this additional height will not cause any detriment to the public good, staff has no objection to this Variance request.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 16

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 3

**NOTICES MAILED** 109

**APPROVALS** 1

**PROTESTS** 0